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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,940

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Chiyoko Matsumi

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EXAMINER

SHIH, HAOSHIAN

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/725,940	<b>Applicant(s)</b> MATSUMI ET AL.	
	<b>Examiner</b> HAOSHIAN SHIH	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01/26/2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8, 10-15 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-8, 10-15 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-5, 7-8, 10-15 and 19 are pending in this application and have been examined in response to application amendment filed on 01/26/2010.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 19 recites the limitation "**the information** about the hierarchical structure". There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-5, 7-8, 10-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka et al. (Nonaka, US 6,614,732 B2) in view of Proehl et al**

Art Unit: 2173

**(Proehl, US 6,118,450) and in further view of Mercer et al. (Mercer, US 7,136,874 B2).**

7. As to **INDEPENDENT** claim 1, Nonaka discloses a recording and reproducing system comprising:

a record medium holding (1) a plurality of data files of storing respectively predetermined data (2) a plurality of play list files of storing respectively a play list describing reproduction order (col.9, lines 36-45;; the hard disk stores and manages play lists that stores the “order of reproduction” of the data files), in which all or part of the plurality of data files are to be played (col.10, lines 60-63; at least one selected data file from the play list is to be played upon user interaction), and (3) a play list file menu file of storing ; about a hierarchical structure by which the play list files are accessible (col.3, lines 62-66; fig.11(a) and fig.11(b) indicates a structure of play lists; col.10, lines 34-40; play lists are selectable by a user);

play list file menu storing means configured to store the play list file in the play list file menu file (col.3, lines 62-66; fig.11(a) and fig.11(b) indicates a structure of play lists);

play list file menu display means configured to display to the outside play list file menu information on all or a part of the stored play list file menu (fig.12, “24”; col.10, lines 48-53; a menu of play lists are displayed);

play list file selecting means configured to select a predetermined play list file from among the plurality of play list files held by the record medium (col.9, lines 35-41)

Art Unit: 2173

according to an instruction from the outside (fig.12 “23c”; col.10, lines 35-40; a jog dial is provided for the user to select different play lists); and

data reproducing means configured to reproduce the predetermined data stored by the plurality of data files respectively (fig.12, “23d”; col.9, lines 43-45). Nonaka does not disclose so that the data files are played automatically in the reproduction order described by the selected play list file; [and] wherein the play list file menu information further contains menu type information indicating a type of the predetermined data from among audio, video, and static image, and The play list menu display means is configured to display only the play list file menu information concerning the play list which are supported by the data reproducing means.

In the same field of endeavor, Proehl discloses so that the data files are played automatically in the reproduction order described by the selected play list file (col.8, lines 55-60; songs/ data files in the playlist are played back automatically in the sequence established by the user).

It would have been obvious to one of ordinary skill in the art, having the teaching of Nonaka and Proehl before him at the time the invention was made, to modify the playlist management system taught by Nonaka to include a virtual media manipulation interface taught by Proehl with the motivation being to play the recordings on the playlists as if they were regular CDs (Proehl, col.2, lines 27-32). Nonaka and Proehl do not specifically disclose wherein the play list file menu information further contains menu

Art Unit: 2173

type information indicating a type of the predetermined data from among audio, video, and static image, and the play list menu display means is configured to display only the play list file menu information concerning the play list which are supported by the data reproducing means.

In the same field of endeavor, Mercer discloses wherein the play list file menu information further contains menu type information indicating a type of the predetermined data from among audio, video, and static image (col.5, lines 36-41; tags are used to indicate each of the media file types such as audio, image and video), and the play list menu display means is configured to display only the play list file menu information concerning the play list which are supported by the data reproducing means (col.5, lines 41-43; only the supported file types are displayed).

It would have been obvious to one of ordinary skill in the art, having the teaching of Nonaka and Proehl and the teaching of Mercer before him at the time the invention was made, to modify the playlist management system taught by Nonaka and Proehl to include media file play back capabilities rendering taught by Mercer with the motivation to enhance usability of media players by introducing an adaptive menu structure that is based on the capabilities of the media player (col.1, lines 43-53).

Art Unit: 2173

8. As to claim 2, Nonaka discloses wherein the play list file menu display means is configured to display the displays said play list file menu information in consideration of a type of said predetermined data reproducible by the data reproducing means (col.2, lines 39-42; the “identification information” provides the necessary means for the reproducing means to function properly).

9. As to claim 3, Nonaka does not disclose wherein the play list file menu display means is configured to display the play list file menu information by displaying at least one thumbnail image corresponding to at least one respective play list file, the displayed at least one thumbnail image changing according to a state in which the play list file selecting means selects the predetermined play list file.

In the same field of endeavor, Proehl discloses using thumbnail images to represent each of the play list file corresponding to at least one respective play list file, the displayed at least one thumbnail image changing according to a state in which the play list file selecting means selects the predetermined play list file (col.8, lines 17-18, lines 30-33; corresponding thumbnails of the play list files changes according to the selection of different play list files)

It would have been obvious to one of ordinary skill in the art, having the teaching of Nonaka and Proehl before him at the time the invention was made, to modify the playlist manipulation taught by Nonaka to include thumbnail images taught by Proehl with the

Art Unit: 2173

motivation being to present an image association with a particular genre (Proehl, col.4, lines 3-5).

10. As to claim 4, Nonaka discloses wherein the play list file menu display means displays the play list file menu information by using predetermined text data on all or a part of the play list (fig.12, "24", col.8, lines 2-4; text information from the play list is displayed).

11. As to **INDEPENDENT** claim 5, see rationale addressed in the rejection of claim 1 above.

12. As to **INDEPENDENT** claim 7, see rationale addressed in the rejection of claim 1 above.

13. As to **INDEPENDENT** claim 8, see rationale addressed in the rejection of claim 1 above.

14. As to **INDEPENDENT** claim 10, see rationale addressed in the rejection of claim 1 above.

15. As to **INDEPENDENT** claim 11, see rationale addressed in the rejection of claim 1 above.



16. As to **INDEPENDENT** claim 12, see rationale addressed in the rejection of claim 1 above.

As to **INDEPENDENT** claim 13, see rationale addressed in the rejection of claim 1 above.

17. As to **INDEPENDENT** claim 14, see rationale addressed in the rejection of claim 1 above.

18. As to **INDEPENDENT** claim 15, see rationale addressed in the rejection of claim 1 above.

19. As to claim 19, Proehl discloses wherein the play list file menu display means is configured to display only the play list menu information concerning the play lists selectable through the play list file menus of lower layers, which are supported by data reproducing means (fig.1, "110", fig.4, fig.6; col.8, lines 30-34; files are supported by the multi-disc cd-rom player are displayed as virtual CDs, upon the selection of the virtual CD cover art, the user can select a desired song to play from the virtual CD),

the information about the hierarchical structure specifies information defining a highest-order menu that specifies at least one link to a child menu, and the playlist menu display means displays the highest-order menu and the at least one link to the

Art Unit: 2173

child menu when a user selects the highest-order menu for viewing (fig.4, fig.6; col.8, lines 30-34; files are supported by the multi-disc cd-rom player are displayed as virtual CDs in a highest-order menu displaying a plurality of virtual CD playlists, upon the selection of the virtual CD cover art (child menu), the user can select a desired song to play from the virtual CD).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 5, 7-8 and 10-12 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2173

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAOSHIAN SHIH whose telephone number is (571)270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571) 272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS

/Kieu Vu/  
Supervisory Patent Examiner, Art Unit 2173